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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,854	04/17/2001	Douglas Wolfe	066560:0107	5105

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EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 12/23/2003 *8*

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,854

Applicant(s)

WOLFE, DOUGLAS

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 32-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,16-24 and 26-31 is/are rejected.
- 7) ☒ Claim(s) 3,13-15 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

1. Claims 32-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 7.

2. Applicant's election with traverse of the invention of Group I in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the apparatus claims are closely related to the method claims. This is not found persuasive because applicant admitted that the action asserted that the apparatus can be use to practice another process (page 2, line 3-4).

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al.

Greynolds discloses the invention substantially as claimed including a trim press 10, guides 18. Greynolds does not show an endless belt conveyor. However, Hedley teaches the use of an endless belt conveyor 36 for the purpose of elevating the continuous strips. It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the endless belt conveyor as taught by Hedley in order to obtain a device that reduce the friction between the sheets and the transfer device and increase the productivity.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al. as applied to claim 1 above, and further in view of Gibson and Cornell.

The modified device of Greynolds discloses the invention substantially as claimed except for a pair of guide wheels, a pair of lateral guide plates and means for mounting the guide wheels and plates. However, Gibson teaches the use of a guide wheel 15 and means 13 for mounting the guide wheel for the purpose of holding down the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the guide wheel and means for mounting the guide wheel as taught by Gibson in order to obtain a device to hold down the sheet and prevent from kicked back. Also, the examiner takes Official Notice that the use of more than one guide wheels are old and well known in the art for the purpose of holding larger web area. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the pair of guide wheels in order to hold larger web area.

Regarding the pair of lateral guide plates and means for mounting the guide plates, Cornell teaches the use of a pair of lateral guide plates (91 and 97) and means for mounting the guide plates (Fig. 6a and 6b) for the purpose of adjusting the guide plates relative to the cutters. It would have been obvious to one having ordinary skill in the art at the time the invention was

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made to have modified Greynolds's device by providing the pair of guide plates and means for mounting the guide plates as taught by Cornell in order to accurately adjust the guide plates relative to the trim press.

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al. as applied to claim 1 above, and further in view of Green et al.

The modified device of Greynolds discloses the invention substantially as claimed except for a limit switch, a trip rod and a blower. However, Green teaches the use of a limit switch (122 and 123) and a trip rod 115 for the purpose of shutting down the machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the limit switch and the trip rod as taught by Green in order to obtain a device to shut down the conveyor when the system is exhausted. Also, the examiner takes Official Notice that the use of a blower is old and well known in the art for the purpose of removing the sticky material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the blower in order to remove the sticky material from the conveyor.

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al. as applied to claim 1 above, and further in view of Romagnoli.

The modified device of Greynolds discloses the invention substantially as claimed except for curved guides rods extending above the plastic sheet and means for adjusting the guide rods.

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However, Romagnoli teaches the use of curved guides rods (21 and 22) for the purpose of ensuring the correct filling of the product. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing curved guides rods as taught by Romagnoli in order to endure the correct filling of the product. Also, the examiner takes Official Notice that the use of means for adjusting the guide rods is old and well known in the art for the purpose of properly aligning the work path. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing means for adjusting the guide rods in order to properly aligning the work path.

8. Claims 11 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al and Cornell.

Greynolds discloses the invention substantially as claimed including a trim press 10, guides 18. Greynolds does not show an endless belt conveyor, a pair of lateral guide plates and means for mounting the guide plates. However, Hedley teaches the use of an endless belt conveyor 36 for the purpose of elevating the continuous strips. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the endless belt conveyor as taught by Hedley in order to obtain a device that reduce the friction between the sheets and the transfer device and increase the productivity.

Regarding the pair of lateral guide plates and means for mounting the guide plates, Cornell teaches the use of a pair of lateral guide plates (91 and 97) and means for mounting the

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guide plates (Fig. 6a and 6b) for the purpose of adjusting the guide plates relative to the cutters.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the pair of guide plates and means for mounting the guide plates as taught by Cornell in order to accurately adjust the guide plates relative to the trim press.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al. as applied to claim 11 above, and further in view of Gibson.

The modified device of Greynolds discloses the invention substantially as claimed except for a pair of guide wheels and means for mounting the guide wheels. However, Gibson teaches the use of a guide wheel 15 and means 13 for mounting the guide wheel for the purpose of holding down the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the guide wheel and means for mounting the guide wheel as taught by Gibson in order to obtain a device to hold down the sheet and prevent from kicked back. Also, the examiner takes Official Notice that the use of more than one guide wheels are old and well known in the art for the purpose of holding larger web area. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the pair of guide wheels in order to hold larger web area.

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10. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al. and Cornell as applied to claim 11 above, and further in view of Green et al.

The modified device of Greynolds discloses the invention substantially as claimed except for a limit switch and a trip rod and a blower. However, Green teaches the use of a limit switch (122 and 123) and a trip rod 115 for the purpose of shutting down the machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the limit switch and the trip rod as taught by Green in order to obtain a device to shut down the conveyor when the system is exhausted. Also, the examiner takes Official Notice that the use of a blower is old and well known in the art for the purpose of removing the sticky material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the blower in order to remove the sticky material from the conveyor.

11. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al. and Cornell as applied to claim 1 above, and further in view of Romagnoli.

The modified device of Greynolds discloses the invention substantially as claimed except for curved guides rods extending above the plastic sheet and means for adjusting the guide rods. However, Romagnoli teaches the use of curved guides rods (21 and 22) for the purpose of ensuring the correct filling of the product. It would have been obvious to one having ordinary

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skill in the art at the time the invention was made to have modified Greynolds's device by providing curved guides rods as taught by Romagnoli in order to endure the correct filling of the product. Also, the examiner takes Official Notice that the use of means for adjusting the guide rods is old and well known in the art for the purpose of properly aligning the work path. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing means for adjusting the guide rods in order to properly aligning the work path.

12. Claims 23, 26, 27-28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al and Green et al.

Greynolds discloses the invention substantially as claimed including a trim press 10, guides 18. Greynolds does not show an endless belt conveyor, a limit switch, a trip rod and a blower. However, Hedley teaches the use of an endless belt conveyor 36 for the purpose of elevating the continuous strips. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the endless belt conveyor as taught by Hedley in order to obtain a device that reduce the friction between the sheets and the transfer device and increase the productivity.

However, Green teaches the use of a limit switch (122 and 123) and a trip rod 115 for the purpose of shutting down the machine. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing

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the limit switch and the trip rod as taught by Hedley in order to obtain a device to shut down the conveyor when the system is exhausted.

Also, the examiner takes Official Notice that the use of a blower is old and well known in the art for the purpose of removing the sticky material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the blower in order to remove the sticky material from the conveyor.

13. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al. and Green et al as applied to claim 23 above, and further in view of Gibson and Cornell.

The modified device of Greynolds discloses the invention substantially as claimed except for a pair of guide wheels, a pair of lateral guide plates and means for mounting the guide wheels and plates. However, Gibson teaches the use of a guide wheel 15 and means 13 for mounting the guide wheel for the purpose of holding down the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the guide wheel and means for mounting the guide wheel as taught by Gibson in order to obtain a device to hold down the sheet and prevent from kicked back. Also, the examiner takes Official Notice that the use of more than one guide wheels are old and well known in the art for the purpose of holding larger web area. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the pair of guide wheels in order to hold larger web area.

Regarding the pair of lateral guide plates and means for mounting the guide plates, Cornell teaches the use of a pair of lateral guide plates (91 and 97) and means for mounting the guide plates (Fig. 6a and 6b) for the purpose of adjusting the guide plates relative to the cutters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing the pair of guide plates and means for mounting the guide plates as taught by Cornell in order to accurately adjust the guide plates relative to the trim press.

14. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greynolds et al. in view of Hedley et al. and Green et al. as applied to claim 23 above, and further in view of Romagnoli.

The modified device of Greynolds discloses the invention substantially as claimed except for curved guides rods extending above the plastic sheet and means for adjusting the guide rods. However, Romagnoli teaches the use of curved guides rods (21 and 22) for the purpose of ensuring the correct filling of the product. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing curved guides rods as taught by Romagnoli in order to endure the correct filling of the product. Also, the examiner takes Official Notice that the use of means for adjusting the guide rods is old and well known in the art for the purpose of properly aligning the work path. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Greynolds's device by providing means for adjusting the guide rods in order to properly aligning the work path.

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Allowable Subject Matter

15. Claims 3, 13-15 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hartman, Helm and Rubio are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ofs
December 15, 2003



KENNETH E. PETERSON
PRIMARY EXAMINER